

Examiner is respectfully drawn to FIG. 7 and element 309' therein. Discussion of the embodiment disclosed in the cross section depicted in FIG.7 is found in paragraph 0022 of the specification. Applicant believes the requirements of §1.83 have been met, and respectfully requests Examiner to withdraw the  
5 objection to the drawings.

Examiner has rejected claim 15 under 35 U.S.C. §112 first paragraph, as failing to comply with the written description requirement and under 35 U.S.C. §112 second paragraph, as being indefinite. This rejection is now moot, in that  
10 Applicant has cancelled claim 15.

Examiner has rejected claims 1-5 and 13 under 35 U.S.C. §103(a) as being unpatentable over German Gebrauchsmusterschrift DE 200 08 512 U1 to Adoma GmbH ("Adoma") in view of International Patent Application No. WO  
15 01/95984 by McClung et al. ("McClung"). Examiner acknowledges that Adoma is an insufficient reference and therefore must find the missing elements for Applicant's invention in the teachings of McClung. McClung, an application filed under the PCT consistent with 35 U.S.C. §351(a) and published in the English language and designating the US, was filed on June 11, 2001. In view of  
20 Applicant's affidavit under 37 C.F.R. §1.131, McClung cannot properly be considered as prior art. Accordingly, Applicant respectfully requests Examiner to withdraw the obviousness rejection of 1-5 and 13.

Examiner has rejected claims 1-5 and 13 under 35 U.S.C. §103(a) as being unpatentable over Adoma in view of European Patent Application No. EP  
25 0 429 195 by Wyatt ("Wyatt") and McClung. Examiner acknowledges that Adoma is an insufficient reference and therefore must find the missing elements for Applicant's invention in the teachings of Wyatt and McClung. Wyatt discloses a storage case for a compact audio or video disk having a series of  
30 legs (20) which grip the sides of an aperture in the disk. Even assuming that it is proper to combine the teachings relating to a storage case with the teachings relating to a disk for throwing (Applicant makes such an assumption only for sake of argument), elements of Applicant's claimed invention remain

undisclosed. Examiner has turned to McClung to, arguably, provide a teaching of the missing elements. As stated above, McClung cannot properly be considered as prior art. Accordingly, Applicant respectfully requests Examiner to withdraw the obviousness rejection of 1-5 and 13.

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Examiner has rejected claim 14 as anticipated under 35 U.S.C. §102(b) or, alternatively, as obvious under 35 U.S.C. §103(a) in view of Adoma. This rejection is now moot, in that Applicant has cancelled claim 14.

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Examiner has rejected claim 15 as obvious under 35 U.S.C. §103(a) in view of Adoma. This rejection is now moot, in that Applicant has cancelled claim 15.

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Therefore, in view of the foregoing amendment and remarks, Applicant believes the invention, as now claimed, is in a condition for allowance. Examiner is respectfully urged to pass the present Application, as amended, to allowance.

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ATTACHMENT 1

This listing of claims will replace all prior versions, and listings, of claims in the application:

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Listing of claims:

1. (previously presented) A gyroscopically stabilized throwable implement comprising:
  - 10 a disk-shaped body having an essentially convex first surface and an essentially concave second surface; and a plurality of flexible fingers disposed in a first circle on said second surface and protruding for a predetermined distance away from said second surface, said first circle having a center essentially concentric with an axis of rotation of the implement.
  - 15 2. (previously presented) A gyroscopically stabilized throwable implement in accordance with claim 13 wherein said body further comprises a lip edge forming a peripheral boundary of said depression at said second surface.
  - 20 3. (previously presented) A gyroscopically stabilized throwable implement in accordance with claim 1 wherein said plurality of fingers further comprise an attachment portion affixed to said second surface in a second circle concentric with said first circle and having a radius greater than said first circle and a cantilever portion, elevated and essentially parallel to said second surface, and disposed between said attachment portion and said first circle.
  - 25 4. (previously presented) A gyroscopically stabilized throwable implement in accordance with claim 3 wherein said plurality of fingers further comprise a crooked portion directed toward the axis of rotation, disposed essentially parallel to said second surface, and elevated by a predetermined distance from said second surface.
  - 30 5. (previously presented) A gyroscopically stabilized throwable implement in accordance with claim 1 wherein said plurality of fingers further comprise a ridge portion disposed at an end of each said finger spaced away from said second surface, at said first circle, and projecting away from said axis of rotation.

6. to 12. (cancelled)

13. (previously presented) A gyroscopically stabilized throwable implement in  
5 accordance with claim 1, further comprising a depression disposed in said second surface,  
having an essentially flat bottom, and centered on said axis of rotation of the implement.

14. (cancelled)

10 15. (cancelled)